

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CLAYTON EUGENE WEBB, # 1067914

Petitioner,

v.

DOUGLAS DRETKE, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,

Respondent.

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NO. 3:05-CV-1374-L

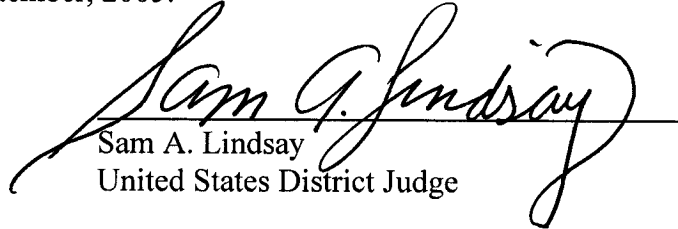
ORDER

Petitioner Clayton Eugene Webb ("Petitioner"), appearing *pro se*, filed an application for writ of habeas corpus under 28 U.S.C. § 2254. Pursuant to 28 U.S.C. §636(b), and an order of the court in implementation thereof, this action was referred to the United States magistrate judge for proposed findings and recommendation. On August 30, 2005, the Findings and Recommendation of the United States Magistrate Judge ("Report") were filed, to which no objections were filed.

The magistrate judge recommended that the court enter an order denying Petitioner's request to proceed *in forma pauperis*, filed on July 11, 2005, and directing that the petition be dismissed without prejudice for failure to pay the filing fee. Having reviewed the pleadings, file and record in this case, and the findings and conclusions of the magistrate judge, the court determines that they are correct. Accordingly, the magistrate's findings and conclusions are accepted as those of the court.

Petitioner's application is **denied**, and this action is **dismissed without prejudice** pursuant to Fed. R. Civ. P. 41(b) for Petitioner's failure to comply with a court order and pay the filing fee. Judgment will issue by separate document.

It is so ordered this 23 day of September, 2005.


Sam A. Lindsay
United States District Judge